



THE SPEECH

OF

CHARLES JAS. PAULKYER,

(OF BERKELEY)

IN THE

HOUSE OF DELEGATES OF VIRGINIA,

ON THE

POLICY OF THE STATE

WITH RESPECT TO

HER SLAVE POPULATION.

DELIVERED JANUARY 30, 1832.

RICHMOND:

Thomas W. White, *Printer.*

.....
1832.

It is due to Mr. Faulkner, to state that his speech on the Abolition of Slavery, has been published in its present form, from the Richmond Enquirer, by gentlemen favorable to the views which he has advocated—not by himself.

HOUSE OF DELEGATES OF VIRGINIA.

WEDNESDAY, JANUARY 11, 1832.

Mr. GOODE of Mecklenburg, rose to move the following resolution.

Resolved, That the select committee raised on the subject of slaves, free negroes, and the melancholy occurrences growing out of the tragical massacre in Southampton, be discharged from the consideration of all petitions, memorials and resolutions, which have for their object, the manumission of persons held in servitude under the existing laws of this commonwealth, and that it is not expedient to legislate on the subject.

Mr. RANDOLPH moved the following substitute, to be inserted after the word "Southampton:"

— "be instructed to inquire into the expediency of submitting to the vote of the qualified voters in the several towns, cities, boroughs, and counties of this commonwealth, the propriety of providing by law, that the children of all female slaves, who may be born in this state, on or after the 4th day of July, 1840, shall become the property of the commonwealth, the males at the age of twenty-one years, and females at the age of eighteen, if detained by their owners within the limits of Virginia, until they shall respectively arrive at the ages aforesaid, to be hired out until the nett sum arising therefrom, shall be sufficient to defray the expense of their removal, beyond the limits of the United States, and that said committee have leave to report by bill or otherwise."

FRIDAY, JANUARY 20, 1832.

The resolution moved by Mr. Goode, and the substitute therefor proposed by Mr. Randolph, on the subject of the colored population of the commonwealth, being under consideration,

Mr. FAULKNER remarked, that, having submitted to the consideration of the select committee, the only resolution before that body, recommending a scheme for the gradual extinction of slavery in the commonwealth—which resolution, although not formally before the house, had attracted much unkind, and he might add undeserved, criticism from some who had preceded him in this debate—and perceiving, too, that even the motives in which that proposition had been submitted, had not been understood in their proper spirit, he felt it due to himself, and to those with whom he had the honor to act upon this occasion, to make some remarks, explanatory of its true character and intended operation. Sir, said Mr. F., I beg it to be understood, that, in this cause, I at least, am no enthusiast—I am no fanatic—I go for no AGRARIAN laws—for no confiscation of property—for no wild and chimerical schemes of abolition. My views, such as they are, will be found to have been sanctioned by the wisest heads, and by the most illustrious names which have adorned the annals of this republic. Aye, sir, they have not only been sustained by their approbation, but have been recommended by them, as the only measures which can rescue this state from the appalling catastrophe which in time must otherwise befall it.

Sir, efforts have been made by those opposed to the present inquiry to prejudice the public mind against the cause of emancipation, by statements, harsh, unjustifiable and untenable. Our propositions have

been denounced as monstrous, novel, violent, and extraordinary. We have been represented as embarking in a crusade against private property—as sounding a war cry of insurrection—as endangering the tranquillity of this state, by rash and visionary schemes of legislation. These are grave charges, sir, and ought not to have been made, unless they can be satisfactorily sustained. It is my business to shew, that the attempts, so far, to sustain them, have not justified the anticipated triumph with which they were so pompously announced.

Sir, there is one point in which I do most sincerely agree with those who are arrayed against me in this discussion. It is, that the proposed inquiry is one of great delicacy and of transcendent importance. I will go further, and say it is in my judgment, the most momentous subject of public interest, which ever has occupied the deliberations of this body. Indeed, sir, if I may be pardoned the extravagance of the expression, I will say, notwithstanding the horror with which the inquiry is regarded by some gentlemen, it is the *ONLY* subject which, at this time, and under the present attitude of affairs in Virginia, is worthy of the serious gravity of legislation. When, and upon what previous occasion, did a question so grand, so all-pervading in its consequences, absorb the consideration of this house? The revolution which agitated this commonwealth fifty years ago, great and important as it was, involved in its results but a change of our political relations with the mother country. This measure—should it prove successful, and that it must, sooner or later, no individual in this house can now reasonably doubt—must involve in its consequences, a moral, physical and political revolution in this state—a revolution which will be beneficially felt by every great interest in the commonwealth, and by every slave-holding state upon this continent. Sir, I care not what may be the feelings of other gentlemen, but I glory that it is given to me to participate in this measure. I shall ever reckon it among the proudest incidents of my life, that I have contributed my feeble aid to forward a revolution so grand and patriotic in its results. But, sir, at the same time that I do accord with those gentlemen who have preceded me in this debate, on the opposite side of the question, in the all-absorbing magnitude of the topic under consideration, I cannot think with them that on that account it is not a *FIT* subject of inquiry. Its very importance appeals to us, and demands inquiry. Let that inquiry be cautious—let it be deliberate—let it be guarded; above all, let it be conducted with a sacred regard to the rights of private property, so far at least, as those rights can, upon an occasion of this sort, be legitimately recognized. But still let the inquiry go on. *THE PEOPLE demand it.* Their safety requires it. Mystery in state affairs, I have always considered impolitic and unwise. It is unsuited to the genius of this government, which is based upon the right of the people, to a free and full examination of whatever concerns their interest and happiness. Sir, they pay you for your counsel—they have a right to it. If there be danger let us know it, and prepare for the worst. If slavery can be eradicated, in God's name, let us get rid of it. If it cannot, let that melancholy fact be distinctly ascertained; and let those who we have been told are now awaiting with painful solicitude the result of your determination, pack up their household gods, and find among

the luxuriant forests and prairies of the west, that security and repose which their native land does not afford.

Sir, after the decisive vote which was taken upon this subject some days since—that vote distinctly then made a TEST question—I must confess, I am more disposed to admire the VALOUR than the DISCRETION of the gentleman from Mecklenburg, entertaining the opinions which he has avowed, in bringing the question in its present shape, again before us. Did not the debate upon the Hanover petition, present the very question now submitted to the consideration of this house? And did we not then, by a large and overwhelming vote, declare that the public safety demanded a full and fearless investigation of the whole question of slavery. What new event has transpired, to change the determination of this body? What, indeed, ought to change it, but some manifestations of the public will, adverse to the former course of this house? Has public sentiment so spoken? I boldly declare, sir, that it has not. Wherever the voice of your people has been heard since the agitation of this question, it has sustained your determination and called for the present inquiry.--- I have heard of county meetings, county petitions, and county memorials. I have heard from the north, the east and the south. They are all, with one voice, against the continuance of slavery. None for it. The press, too—that mirror of public sentiment—that concentrated will of a whole community, has been heard from one extremity of the state to the other. Its power is with us—its moral force is united—efficient and encouraging. In this city—the capital of the Old Dominion—the heart of the commonwealth, which, by one ventricle receives, and through the other, discharges the lifeblood of intelligence, and public spirit, throughout your empire—aye, and from a quarter, and, from many quarters, where such a voice was least expected, its tones have been firm, manly, and intrepid. Honor, sir, to those who dare speak the truth in the worst of times. Thrice honored they who, in declaring that truth, have to

Beard the Lion in his den,
The Douglas in his hall.

Again, sir, I ask, what new fact has occurred—what new light has dawned upon the gentleman from Mecklenburg, that we should be called upon to retrace our course, and to disappoint the hopes which our first manly decision gave? Does not the same evil exist? Is it not increasing? Does not every day give it permanency and force? Is it not rising like a heavy and portentous cloud above the horizon; extending its deep and sable volumes athwart the sky, and gathering in its impenetrable folds, the active materials of elemental war? And, yet, shall we be requested to close our eyes to the danger, and without an effort, without even an inquiry, to yield to the impulses of a dark and withering despair? Sir, is this manly legislation? Is it correct? Is it HONEST legislation? Is it acting with that fidelity to our constituents, which their sacred interest require?

Sir, if this evil, great as it is, was even stationary—if the worthy gentlemen from Mecklenburg and Brunswick, (Mr. Gholson) could give us any assurance that it would not increase until it reaches a

point which it is horrible to contemplate, I might be induced to acquiesce in the course which their pathetic appeals suggest. But when they know it is otherwise—when they know that each successive billow is detracting from the small space of ground left between us and the angry ocean chafing at our feet, how can they advise us—how can they advise their own constituents to remain still, when the next advancing wave may overwhelm them and us, in hopeless ruin and desolation?

Sir, if the gentleman from Mecklenburg was not satisfied when he submitted his resolution, he must *now* be convinced that this is one of those questions which no parliamentary adroitness can smother. The spirit of Free Inquiry is abroad upon the earth; and governments and all the institutions connected with them, must be sustained—not by any mystical and superstitious reverence for them, *as existing institutions*—but as they are ascertained after a severe and searching scrutiny to subserve the great ends of *POPULAR* *wel*. The same question which is now convulsing Europe to its centre—which is purifying that most gifted country from the despotism which for so many centuries has hung over it, is in a somewhat modified shape operating upon the present inquiry. As with them, it is asked, why have we so long tolerated the unequal and oppressive institutions of our country? why have we suffered ourselves to be ground into dust, that others might be pampered in luxury and ease?—of what use are crowns and hereditary aristocracies? Do they answer any great end of society?—do they conduce to the happiness of the *PEOPLE*?—So with us, the inquiry must be, is slavery a beneficial institution?—is the prosperity of a nation promoted by nourishing within her bosom, half a million of bondsmen, alien to her in interest, hostile to her in feeling, and prepared at any favorable moment, to deluge the country in blood, and dance upon the ruins of public liberty? In other words, are we better with or without slaves? It must come to that point at last. If slavery can be sustained as an institution conducive to the great interests of society, it will be tolerated. If not, it must bow before the majesty of that power which is supreme. But, sir, vain and idle is every effort to strangle this inquiry! As well might you attempt to chain the ocean or stay the avenging thunderbolts of heaven, as to drive the people from any inquiry, which may result in their better condition. This is too deep—too engrossing a subject of consideration. It addresses itself too strongly to our interests—to our passions, and to our feelings. There is not a county—not a town—not a newspaper—not a fireside in the state where the subject is not fully and fearlessly canvassed; and shall we, the constitutional inquest of the commonwealth, sworn to make a true inquiry into all the grievances of the people, and to the best of our abilities apply the remedy—shall we alone, be found to shrink from this inquiry? And here permit me to advert to a remark which fell, I am sure inadvertently, from the gentleman from Brunswick. Because, forsooth, in asking this inquiry, we have chosen to depart from the folly of our ancestors, and to discuss this question—not with closed doors—not in low and breathless whispers—not with all the mummary of an oriental divan, we have been told that we are treating the subject “*flippantly*,”—not as was done in

the *better days* of the commonwealth. If flippancy, sir, in the vocabulary of that gentleman, signifies a free and open discussion of that which concerns the people, and which they have a right to know, I plead guilty to this charge—most certainly not otherwise.

Sir, there was one idea adverted to by the gentleman from Brunswick—pressed upon us on yesterday by the gentlemen from Dinwiddie, (Mr. Brodnax,) and not unfrequently announced upon the floor of this house, which I feel constrained to notice;—a view of my relation to this great question, which if ever true, I will take the liberty of shewing the house is now no longer so. I allude, sir, to the intimation thrown out, that the whole question of slavery is exclusively an *eastern question*—a question over which the gentlemen from the east should enjoy and exercise exclusive legislation; and that we of the west, should content ourselves with being mere “lookers on in Venice”—not actors or speakers in this thrilling and important drama.

Sir, upon this delicate question of jurisdiction between the two portions of the state, I shall make but a single remark. It shall be explanatory of *my* course,—I will not undertake to prescribe that of others—nor will I permit the declarations of other gentlemen from the west to be held up to me as a rule of action. My creed is this—that at the same time that I am disposed to accord to the east, exclusive legislation upon this and every other question, where the consequences of that legislation can alone affect themselves, so, in the same spirit of liberality and justice, do I claim to be heard upon any and every subject, where the effect of your legislation most fundamentally and vitally concerns my own people.—Upon any question touching slavery, perhaps in deference to the exclusiveness which, by prescription, the east has heretofore enjoyed upon that subject, I might make my creed still more liberal.—Thus, in the Valley, we have a large slave interest, yet greatly subordinate in amount to the same species of property held in the country east of the Blue Ridge. In all the details, then, of any scheme of emancipation; in providing when and how the system should go into operation, I should be disposed to defer much to the wishes, opinions—nay, if you will have it, even to the prejudices of the east. But when you approach the simple and naked question, shall there be *some* scheme of emancipation? shall there be some check given to this growing and all diffusing evil? I will surrender to no man: for I maintain it, there is no portion of the commonwealth more deeply—I will say, more vitally, interested in that question, than the country west of the Blue Ridge—more particularly the *Valley country*. I claim to know the interests of my own constituents, and knowing them, I am not at liberty to disregard them. We are now in the situation in which your section of the country was, sir, something like a century ago,—when impressed with the growing evils of slavery, you implored the British throne to forbid the further introduction of slaves into this state. That petition was spurned. And history records the consequences—the consequences to them—the consequences to you. This, sir, is the crisis of our fate. We may now arrest the further march of slavery to the west—we may strangle the infant Hercules in his cradle. It is, in my judgment, the solemn duty of the western delegation

to do so—or we prove faithless to that people which has entrusted its dearest interests to our safe-keeping.

Sir, can it be possible, that I correctly understood a gentleman from the Valley, to say on the first day of this debate, that he was *instructed* to vote against any and every possible scheme of emancipation which might be brought forward this winter; may I be pardoned for asking that gentleman by whom and when those instructions were given? I ask for information only, for I did not suppose there was that single individual west of the Blue Ridge, who was not disposed to co-operate with our eastern brethren in the accomplishment of this great and beneficent purpose—still less, sir, did I expect such recreancy from the cause of philanthropy, and from the vital policy of the west, in the great and public spirited county of Frederick. If I am correct, and the gentleman is instructed, and Frederick has arrayed herself against this noble and beneficent cause, then, sir, I will say of the wide extent of country west of the Blue Ridge, she stands alone,

A spot upon our vestal robe,
The worse for what she soils.

[Mr. Faulkner having been here informed by several voices, that the gentleman alluded to, (Mr. Bryce of Frederick,) was not in his place in the House, suspended his further remarks upon that part of the subject.]

Mr. Wood of Frederick, rose and stated that his colleague was not in his place—that he could not pretend to answer for his opinions, but presumed he would take some opportunity of explaining what he meant.

Sir, resumed Mr. Faulkner, it is in the sense which I have above explained—not invidiously—not as a crusade against eastern principles and eastern interests, that I express my conviction that this question has become a measure of *vital policy with the west*. It is with us a necessary measure of self-defence. If we are to remain united as one people—and the gentleman from Dinwiddie has proclaimed *his* maxim to be “Virginia one and indivisible”—what my maxim may be sir, will depend upon events “which now cast their shadows before them.” If we are to remain united, we must have some guarantee, that the evils under which you labor shall not be extended to us. To my mind there are but two modes by which this guarantee can be made satisfactory—either by adopting a gradual scheme of emancipation which will necessarily check the evil—or by allowing us the privilege of forbidding the further introduction of your slaves west of the Blue Ridge mountains.

Sir, what is our condition? *I mean the present condition of the western portion of this commonwealth*. I speak not as a theorist—I speak as to facts. Sir, the western part of this state now affords—or will, from the course of legislation adopted in our neighboring states, very shortly afford, the only outlet to your redundant and overflowing slave population. Compare that fact with the following ascertained results, as it regards the rate of increase of that class of our population in this state to wit: that while the *white population* increases in a ratio of one and a half per cent. per annum, the *black population* increases in

a ratio of from three to three and a quarter—That the *total black population* of the country east of the Blue Ridge, by the census of 1830, was 457,324—exceeding the *white population* in the same district of country, 81,667—that in forty years, according to the present rate of increase, the black population will exceed the white population, in the country between the Blue Ridge and ocean, at least four hundred thousand souls—and to what conclusions will it lead? Either that you must find some means of getting rid of this rapidly increasing black population, or in the course of a few years there will not be a white inhabitant in this region.

Heretofore, the *western part* of this state has been protected from this redundant slave population, by the innumerable outlets, through which it escaped to every portion of the union; but more particularly by the *southern demand*, which carried off a large portion of this surplus property to Louisiana, where it found a profitable market. This was our protection; and I pronounce it, sir, our *only* protection. But now, Maryland, on the north, has closed her territory against the further importation of our blacks—Pennsylvania is engaged in legislating, with a view to the same result—Kentucky has taken the alarm; and the southern markets are closed against us. What, sir, will now become of that immense exportation of slave property which annually substracted from, yet could not keep down, this prolific and rapidly increasing race? Will the gentleman from Brunswick inform me, what is to become of this redundant black population? Occluded from the south—encompassed by the ocean on the east—the Pennsylvania portcullis closed—the north and west guarded, castled and sentinelled—what, I ask, sir, is to become of it? The result is as inevitable as that great law of physical nature by which fluids seek their level. Sir, will not the waters, thus dammed up, flow back to the farthest western extremities of this commonwealth? *Will not the Pyrennees vanish?* Shall we not become one universal slave holding and slave destroyed people?

Sir, uniformity in political views, feelings and interests, in all the parts of this widely extended state, would, I admit, be extremely desirable. But that uniformity is purchased at too dear a rate, when the bold and intrepid forester of the west must yield to the slothful and degraded African—and those hills and vallies which until now have re-echoed with the songs and industry of freemen, shall have become converted into desolation and barrenness by the withering footsteps of slavery. Sir, our native, substantial, independent yeomanry, constitute our pride, efficiency and strength; they are our defence in war, our ornaments in peace; and no population, I will venture to affirm, upon the face of the globe, is more distinguished for an elevated love of freedom—for morality, virtue, frugality and independence, than the Virginia peasantry west of the Blue Ridge. Sir, may Heaven protect us from that curse, by which alone, so noble a race can be exterminated from their castles and inheritance!

Sir, if the proposition was now submitted to this body, to prohibit the further introduction of slaves west of the Blue Ridge, think you that such a proposition would meet the concurrence of the gentleman from Mecklenburg, and those who act with him? I am sure it would

not, sir. I speak advisedly when I say I know that *that* gentleman would vote for a division of the state, before he would support such a measure. And why? Because you thus deprive the east of the only market now open to them, for the disposition of their surplus slaves. An era of commercial intercourse is thus fondly anticipated in the fancy of these gentlemen, between the east and the west. New ties and new attachments are now to connect us more closely in the bonds of an intimate and fraternal union. Human flesh is to be the staple of that trade, human blood the cement of that connexion. And in return for the rich products of our vallies, are we to receive the nicely measured and graduated limbs of our species? Sir, a sagacious politician in this state, on the evening of the debate upon the presentation and reference of the Hanover petition, remarked to me, "Why do you gentlemen from the west suffer yourselves to be fanned into such a tempest of passion, when the subject of slavery is introduced in the house?—The time will come, and that before long, when there will be no diversity of interest or feeling among us on that point: when we shall *all* equally represent a slave holding interest?" Sir, it is to avert any such possible consequence to my country, that I, one of the humblest, but not the least determined, of the western delegation, have raised my voice for emancipation. Sir, tax our lands—vilify our country—carry the sword of extermination through our now defenceless villages; but spare us, I implore you, spare us the curse of slavery—that bitterest drop from the chalice of the destroying angel.

Sir, the people of the west, I undertake to say, feel a deep, a lively, a generous sympathy for their eastern brethren. They know that the evils which now afflict them, are not attributable to any fault of theirs—that slavery was introduced against their will—that we are indebted for it to the commercial cupidity of that heartless empire which has never failed to sacrifice every principle of right and justice—every feeling of honor and humanity, to the aggrandizement of her commerce and manufactures. Sir, we have lands, we have houses, we have property, and we are willing to pledge them all to any extent, to aid you in removing this evil. Yet, we will not, that you shall extend to us the same evils under which you labor. We will not that you shall make our fair domain, the receptacle of your mass of political filth and corruption. No, sir, before we can submit to such terms, violent convulsions must agitate this state.

Sir, shall we be told that the *west* has no cause for alarm; that the character and pursuits of our people present insuperable obstacles to the existence of an excessive slave population amongst us? Sir, the suggestion is false. It is contradicted by the past history of that portion of the state—by uniform observation and experience. The slave population has increased since 1790, in the country the west of the Blue Ridge, in a ratio over the whites, equal to its increase in any other portion of Virginia. It has increased in a ratio alarming to every western patriot. In 1790, there were west of the Blue Ridge, but 15,178 slaves—By the census of 1830, it appears that we have now 53,437. It has thus nearly *quadrupled* in forty years. If such is the result of the ordinary sources of the increase of that popula-

tion—exposed too to continual drain as has been the case with us, by exportation to the southern markets—what, I pray you, will be the ratio of its increase, now that the southern markets are closed—and the floodgates of an eastern redundancy are opened upon us? It presents a prospect too horrible to contemplate.

Sir, the gentleman from Brunswick has made a discovery, for which the west must certainly feel under infinite obligations to him. He has discovered that we have an actual *interest* in the retention of the slaves as a source of taxation; the proceeds of which he triumphantly remarks may be applied to the construction of rail roads, canals, and all other magnificent projects of western ambition. Surely, so exquisite a piece of irony must have been designed by the gentleman from Brunswick, to relax the heaviness of debate. Does he suppose that we have so soon forgotten the past legislation of this state, upon the great interests of western improvement?—their cold and step-dame-like refusal of our prayers and petitions for relief? Does he suppose that we have forgotten his own very recent and eloquent declaration of hostility to the loan?—or the history of the amended—I would rather call it, sir, *punic* constitution of this state, by which we have been constitutionally prohibited, by the distribution of political power, from applying that sacred fund to any such unlawful purpose, as the improvement of the physical condition of this commonwealth.

Sir, I take occasion to assure the gentleman from Brunswick, that in the appeal which he has made to our cupidity and ambition, he has mistaken the feelings of the western delegation. We are not, sir, I think, to be purchased by money—still less by *promises* of money, from one who avows that he cannot, upon *principle*, grant us what we ask. I trust, sir, in this cause, we are actuated by a purer and holier motive—the hope of conferring a lasting and imperishable benefit upon our country.

Sir, the gentleman from Brunswick, has stigmatised our proposition, as monstrous, novel and extraordinary. That gentleman certainly in giving utterance to such epithets, must for the moment, and in the ardor of debate, have forgotten a portion of our history, with which I am sure he is familiar. When and with whom did the idea of extinguishing this national curse originate? With flippant politicians? with deluded enthusiasts? with western statesmen? A brief reference to its history will satisfy him.

The idea of a gradual emancipation and removal of the slaves from this commonwealth, is coeval with the declaration of your own independence from the British yoke. It sprung into existence during the first session of the general assembly, subsequent to the formation of your republican government. It was proper—there was a fitness of things in the fact, that so beneficent an object, as the plan for the gradual extinction of slavery in this state, should have been the twin offspring of that mind, which gave birth to the bill of rights, and to the act for religious freedom. A fact so honorable to the public spirit and humanity of that age—so worthy of the genius and expanded philanthropy of those with whom it originated, cannot be too often recurring to, nor too proudly cherished.

Sir, if I were called upon to designate a period in your history,

which more than any other was fraught with sound and practical views of domestic policy---with grand national and experimental plans of legislation, I would point to the period which elapsed from 1776 to 1781. How could it be otherwise, when Virginia in those, the better and palmy days of her greatness, stood sustained in her legislation by the pure and philosophic intellect of Pendleton---by the patriotism of Mason and Lee---by the searching vigor and sagacity of Wythe, and by the all-embracing, all-comprehensive genius of Thomas Jefferson?

Sir, it was a committee composed of those five illustrious men, who, in 1777, submitted to the general assembly of this state, then in session, a plan for the gradual emancipation of the slaves of this commonwealth. The plan was simple and practical---much in substance like that which I had the honor of submitting to the select committee. It contemplated the freedom of all born after a certain day, and deportation at a proper age. It was based upon the *post nati* principle---the only scheme which ever can be carried into successful operation. The same scheme, sir, which has prevailed in Pennsylvania, New York, and all of the northern states with such triumphant and gratifying success. This plan, unhappily for the commonwealth of Virginia, was not carried into execution. The causes of its failure are described by Mr. Jefferson, in the interesting account which he has left of his own life and public acts.

Sir, who can recur to the period when those master intellects of former days, were employed in triumphing over every difficulty, in peace and war---in surmounting every obstacle to which a long colonial vassalage had exposed us---in tracing upon the political trestle-board, designs of civil and political reform; and this the most important among them,---and then listen to the fears, alarms, scruples and prudential suggestions, of our more modern politicians, without being forced to exclaim?

“Tempora mutantur nos mutantur in illis?”

They had done enough for their day and generation. The condition of the country, then engaged in a struggle for independence, and just emerging into political existence, could not, at that time, suffer the practical extension of their just and benevolent schemes. *They* have however, left their plan as a rich legacy to their issue. It is for *us* to say, whether we will carry it out or not.

But, sir, we are told, that there can be no possible plan of emancipation which will not necessarily infringe the right of property, and that no scheme ought to be sanctioned by this house which does so invade the private rights of individuals.---Upon this ground, our opponents have not only declared their opposition to emancipation, but to any *inquiry* which may result in the adoption of a bill.

This assumption---for it merits no better name---is abundantly disproved by the plan so lucidly exhibited on yesterday by the gentleman from Dinwiddie, (Mr. Brodnax.) His plan, according to the most forced construction of what may be termed the “property advocates,” does not infringe any right of property. I refer to that scheme, sir; not because it meets my entire approbation, but because it is an ample refutation of this objection.

And, sir, while upon this part of my subject---I do not know that I shall be favored with a more appropriate occasion---permit me to express, very briefly, my views of the *project*, of the gentleman from Dinwiddie. Its spirit is pacific---its purpose is compromise. But sir, like most propositions, which, in stormy and tempestuous times, seek conciliation rather than any decisive result or policy---which address themselves more to our good feelings than to our enlightened judgment---I fear it deals too much in contradictions, and seeks too fancifully to reconcile impossibilities. It is a scheme which proposes to remove property, and yet respect, in its operation the most Quixotic notions of the right of property. It is to revolutionize this commonwealth; and, yet, to carry on that revolution so quietly, that none can perceive the change: it is to disencumber this state of a mass of property, valued at ninety millions of dollars, and yet, by means, within the grasp of an ordinary banker. This, certainly, is striking the golden mean---and, could it be accomplished, no one would more readily co-operate with the gentleman from Dinwiddie, than myself. But, sir, it wants *practicability*. You might as well attempt, one by one, to gather into a mass, the sands now scattered on the endless margin of the ocean, as seek to remove the slave population by the means which that gentleman contemplates---Two hundred thousand dollars to be annually appropriated by the state! Why, sir, it would, scarcely alone, pay the costs of transportation. How, then, is the annual quota to be made up? By gift, or by purchase? If, by gift, his views are visionary---if by purchase, his means are inadequate. Sir, we can accomplish nothing by scholastic disputations about rights. The Gordian knot must be untied---if it is by the sword:---Asia must be vanquished---the country must be saved.

But, sir, according to my judgment, neither does that portion of the proposition of the gentleman from Albemarle (Mr. Randolph,) which contemplates the freedom of the future increase of slaves, violate any such right of property, as is incumbent upon this body to respect under the existing pressure of public danger in this commonwealth. That scheme, I take occasion to say, is not, in all its provisions to my taste---nor was it submitted with my approbation. It is, however, before us---and we must pronounce upon it.

That proposition operates alone upon the *post nati*---those who may be born after the 4th of July, 1840. Sir, I do not mean to inflict upon this learned and patient audience, a dry and metaphysical legal argument, elaborated from the materials which a law library so readily furnishes upon the question, how far, according to *strict law*, as it is recognized in your statute of distributions, such remote increase would be regarded as property---nor do I deem it necessary here to jeopardize my professional reputation by even pronouncing an opinion, upon a point so happily located *inter alpes legis*. I will content myself with addressing a single inquiry to my friend from Campbell (Mr. Daniel,) who preceded me, and who seems to have taken this part of the subject under his peculiar guardianship. To what class of rights, would he place a right to that *which is not*, and which may *never be*? Under what head could he define the rights, which the slave holder has to that, which *may or may not come* into potential existence ten

years hence? Or is it so *remote a possibility* as not to be subject to legislative action—or tangible for the purposes of legislative immolation? I must confess, as a right, it is too attenuated for my legal apprehension to grasp—and I think it would puzzle the learned doctors of St. Omer's to give us satisfactory analysis of its constituent qualities. Is it a right *executed* or a right *executory*? Is it an interest *accidental*, an interest *incidental*, or an interest *substantial*? Or is it a right *in presenti habendum in futuro*? Sir, says the gentleman from Brunswick, it is a right *vested*—no, says his able coadjutor of Dinwiddie, it is a right *contingent*. I maintain, says the gentleman from Brunswick, it is a right, independent and superior to all other rights. I regard it, says the gentleman from Dinwiddie, as a right, incidental to other less questioned rights. And in due time, we shall doubtless have some third gentleman, “down south,” rise in his place, and with quite as much plausibility, contend that it is neither the one nor the other, but a *tertium quid* having many of the qualities of both, but none of the essentials of either. Sir, I apprehend these learned gentlemen will find it quite as difficult to classify their favorite right as the famous doctors of Strasburg did, to ascertain the reality of poor Slawkerbergius's nose.

“Tis a false nose,” cries the Anti-Nosarian.

“Tis a true nose,” exclaims the Nosarian:

“Tis foolish,” rejoins the one:

“Tis fiddlesticks,” cries the other.

Sir, I would disdain, upon an occasion of this sort, appealing as it does to the fundamental principles upon which society is organized, to bandy with gentlemen, the petty technicalities of the law. My views are briefly these:—they go to the foundation upon which the social edifice rests. Property is the creature of civil society. The gentleman from Brunswick, and the gentleman from Dinwiddie, hold their slaves—not by any law of nature—not by any patent from God, as the latter gentleman on yesterday assumed—but solely by virtue of the acquiescence and consent of the society in which they live. So long as that property is not dangerous to the good order of society, it may and will be tolerated. But, sir, so soon as it does become pernicious—so soon as it is ascertained to jeopardize the peace, the happiness, the good order—nay, the very existence of society,—from that moment, the right by which they hold their property is gone. Society ceases to give its consent. The condition upon which they were permitted to hold it, is violated—their right ceases. This, sir, is the supreme law of society—a law above and paramount to all other laws—a law which cannot be questioned—which will not be denied.

Let me not be understood as assailing the *legal tenure* by which the slave holder claims his property. The law, it is true, has given to the master a right to his slaves—but it is a right subordinate to the GREAT *rights* of the community—and subject to that qualification which equally extends to every description of property, to wit: that it may be enjoyed so long as it is compatible with the public safety—but no longer. It is by virtue of the positive enactments of the state alone, that slaves are held as property, and pass in a regular course of distribution. If the time has now arrived, when the public interests demand a different course of legislation, the same power which made

them property, can divest them of that quality. Private rights and individual claims must yield to the overruling and paramount interests of the common weal.

Why, sir, it is even a rule of municipal law—and I use this merely as an illustration of the great principles of society—*sic utero tuo, ut alienum non ledas*. So hold your property as not to injure the property, still less the lives and happiness of your neighbors. And the moment, even in the best regulated communities, there is in practice a departure from this principle, you may abate the nuisance. It may cause loss—but it is what our black lettered gentry term, *damnum absque injuria*—a loss for which the law affords no remedy.

Sir, it may be very plausible in our opponents to contend that the time has not yet arrived, when a resort to this great law of state necessity can be justified. But to assert that there does not exist in every community an inherent, absolute, and undeniable right to protect itself from destruction, even by the sacrifice of private property, is what no writer on public law ever yet dared to question. It is a right superior to all law, and founded in the moral justice and physical power of a community to prostrate whatever may endanger its tranquillity or existence.

But, sir, it is said that society having conferred this property on the slave holder, it cannot *now* take it from him without an adequate compensation—by which is meant full value. I may be singular in the opinion, but I defy the legal research of the house to point me to a principle recognized by the law, even in the ordinary course of its adjudications, where the community pays for property, which is removed or destroyed because it is a nuisance and found injurious to that society. There is, I humbly apprehend, no such principle. There is no obligation upon society to continue your right one moment after it becomes injurious to the best interests of society: nor to compensate you for the loss of that, the deprivation of which is demanded by the safety of the state—and in which general benefit you participate as members of the community. Sir, there is to my mind a manifest distinction between condemning private property to be applied to some beneficial public purpose, and condemning or removing private property which is ascertained to be a positive wrong to society. It is a distinction which pervades the whole genius of the law; and is founded upon the idea, that any man who holds property injurious to the peace of that society, of which he is a member, thereby violates the condition, upon the observance of which, his right to the property is alone guaranteed. For property of the first class condemned, there ought to be compensation; but for property of the latter class, none can be demanded upon principle—none accorded as matter of right, although considerations of policy---considerations of humanity---and a spirit of compromise, may dictate some compensation.

Sir, to contend that *full value* shall be paid for the slaves by the commonwealth, now or at any future period of their emancipation, is to deny all right of action upon this subject whatsoever. It is not within the financial ability of the state to purchase them. We have not the means. The utmost extremity of taxation would fall far short of an adequate treasury. What then shall be done? We must endea-

vor to ascertain some middle ground of compromise between the rights of the community and the rights of the individual---some scheme, which, while it responds to the demands of the people for an extermination of the alarming evil, will not in its operation disconcert the settled institutions of society, or involve the slave holder in pecuniary ruin and embarrassment.

Sir, does not that plan of emancipation which proposes freedom at a future period—and which guarantees to the slave holder the present enjoyment and profit of that most pernicious species of property contain within itself a principle of compensation? a fair and just proposition of compromise? I think it does, and I exhibit my views thus: It is conceded that at this precise moment of our legislation, slaves are injurious to the interests, and threaten the subversion and ruin of this commonwealth. Their present number—their increasing number, all admonish us of this. In different terms, and in more measured language, the same fact has been conceded by all who have yet addressed this house. “*Something must be done*,” emphatically exclaimed the gentleman from Dinwiddie; and I thought I could perceive a response to that declaration, in the countenance of a large majority of this body. And why must something be done? because if not, says the gentleman from Campbell, (Mr. Rives) the throats of all the *white* people of Virginia will be cut. No, says the gentleman from Dinwiddie—“The whites cannot be conquered—the throats of the *blacks* will be cut.” It is a trifling difference, to be sure, sir, and matters not to the argument. For the fact is conceded, that one race or the other *must* be exterminated.

Sir, such being the actual condition of this commonwealth, I ask if we would not be justified *now*—supposing all considerations of policy and humanity concurred—without even a moment’s delay, in starving off this appalling and overwhelming calamity? Sir, if this immense negro population were now in arms—gathering into black and formidable masses of attack—would that man be listened to, who spoke about property—who prayed you not to direct your artillery to such or such a point, for you would destroy some of *his* property? Sir, to the eye of the statesman, as to the eye of Omniscience, dangers pressing, and dangers that must *necessarily* press, are alike present—with a single glance, he embraces Virginia now, with the elements of destruction reposing quietly upon her bosom—and Virginia lighted from one extremity to the other, with the torch of servile insurrection and massacre. It is not sufficient for him, that the match is not yet applied. It is enough that the magazine is open—and that the match will shortly be applied.

Sir, I think I am then borne out by the actual situation of things in this commonwealth—by the strong necessity pressing upon us—and by the sure and progressive approach of an evil that will eventually involve us in national ruin, in contending that we should be justified *now* in removing this class of our population. But, do we propose its present removal? No, sir; we know the awful convulsions which such a step would cause. I mean convulsions in trade---fall in the value of property, and other results, equally to be shunned and avoided. We propose, therefore, to guarantee to the slave holder his right

to all the slaves now born, and which may be born before the 4th of July, 1840, upon the condition that he relinquishes his right to those born after that day---and even, as to those *born after that day*, he is to have their services until he is fully compensated for the trouble and expense of rearing them. Is this, sir, not a fair ground of compromise? Is it not the only compromise which the safety and resources of the state will admit?

Sir, it is as true in national as it is private contracts, that loss and injury to one party may constitute as fair a consideration as gain to the other. Does the slave-holder, while he is enjoying his slaves, reflect upon the deep injury, and incalculable loss, which the possession of that property inflicts upon the true interests of the country? and does he not perceive that society, in tolerating that evil, say for thirty years longer, *for his benefit*, is in the shape of injury to herself and benefit to him, giving him a full and adequate compensation? It is the only compensation which, so help me God! as a slave-holder, I will ever accept from the commonwealth of Virginia. It is the only compensation which, as a lawgiver, I will ever dispense to others.

Sir, it is, in my judgment, the true and proper ground of compromise between the slave-holding and anti-slave-holding interests of this commonwealth; and by *anti-slave-holding* interest here, I mean to comprehend every interest except that mere pecuniary interest which the master has in the property of his slave. Slavery, it is admitted, is an evil---it is an institution which presses heavily against the best interests of the state. It banishes free white labor---it exterminates the mechanic---the artizan---the manufacturer. It deprives them of occupation. It deprives them of bread. It converts the energy of a community into indolence---its power into imbecility---its efficiency into weakness. Sir, being thus injurious, have we not a right to demand its extermination? Shall society suffer, that the slave-holder may continue to gather his *crop* of human flesh? What is his mere pecuniary claim, compared with the great interests of the common weal? Must the country languish, droop, die, that the slave-holder may flourish? Shall all interests be subservient to one? all rights subordinate to those of the slave-holder? Has not the mechanic---have not the middle classes their rights?---rights incompatible with the existence of slavery?

Sir, so great and overshadowing are the evils of slavery---so sensibly are they felt by those who have traced the causes of our national decline---so perceptible is the poisonous operation of its principles in the varied and diversified interests of this commonwealth, that all, whose minds are not warped by prejudice and interest, must admit, that the disease has now assumed that mortal tendency, as to justify the application of any remedy, which, under the great law of state necessity, we might consider adviseable---yes, sir, if politic, the immediate removal of that whole class of our population. It is under the strong conviction of this truth, that I call that proposition a *compromise*, which defers emancipation to a future day, guaranteeing to the slave-holder, in the mean time, the enjoyment of his slave property. If slavery be conceded to be an evil, and no one has yet asserted otherwise, can the *equity* of such a compromise be questioned?---a compro-

mise honorable to the public spirit of the state, and careful of the just rights of the citizen.

Sir, it is a proposition which, in my humble judgment, the slaveholder ought to accept. It is a small demand upon his patriotism, compared with the injury which a contrary determination would entail upon his country. The present generation will not feel the loss, if any it is; and posterity has no right to complain, if complain it would.

Let it not be supposed that, because the day of final action is postponed to some future period---say thirty years hence---that, therefore, the necessity for the removal of slavery is not imminent and pressing. That postponement is but the *sacrifice* which society is disposed to make, to reconcile the slave-holder to his loss---and to adapt the pursuits of the community to the change which must necessarily ensue.---Is not the slave-holder also disposed to make *some* sacrifice for the benefit of society, and of his country? Sir, emancipation upon the *post nati* principle is gradual---is just---is practicable. No other scheme ever has succeeded, and none other can succeed in Virginia.---It is the only scheme which to my mind promises the most distant prospect of relief. It is a plan, which I am proud to say, has the sanction of high and illustrious authority.

Sir, it must be confessed, that although the law does give to us a right of property in the slave, it is nevertheless a qualified and greatly limited right. It is a right co-extensive only, with the *necessity* which makes them slaves. They were cast upon our shores at a period when we had not the authority to exclude them by legislative provision. The early statutes of Virginia, bear evidence of the unceasing and persevering efforts which our ancestors made, to save the commonwealth from the difficulties which now embarrass it. In all those efforts of benevolence and patriotism, they were thwarted by the inexorable tyranny of the British government. So that in 1776, when we burst the shackles of colonial dependence and erected our state into a free and independent republic, we had nearly two hundred and fifty thousand slaves within the limits of our territory. To have emancipated them at once, would have been an act of fanaticism---of folly---of madness. Necessity compelled us to continue them as slaves: that necessity alone justifies their present condition---yet as men, as statesmen, as christians, we should ever bear it in mind, that every consideration of justice, policy and humanity, demand of us to extinguish that necessity as promptly as possible. It is not a sufficient compliance with our high destinies to say, they were thrown upon our hands, and we are not responsible for their continuance amongst us. No, sir, it is our duty to release them from their present degraded condition---and to relieve the country of their presence as promptly and efficiently as our wisdom can devise and our resources will permit. We stand in a relation towards them, not of absolute masters, but of fiduciaries, entrusted with their safe-keeping until an appropriate opportunity is presented of discharging ourselves of the unpleasant trust. This, sir, is the nature of that property, which, according to my construction of our right we have to our slave population---a construction which, I am sure, sound policy sanctions, philosophy will vindicate, and humanity must approve.

Sir, the gentleman from Brunswick, in aid of his legal argument, has invoked the powerful ægis of the federal constitution. Sir, I am gratified to perceive that *that* gentleman can discover, even at this distant day, something in that much reviled instrument, calculated to restrain the erratic sovereignty of this ancient commonwealth as "she shoots madly from the sphere" of her just relations to the federal head. But, sir, does it not strike that gentleman as slightly inconsistent, that the federal constitution should confer no power to protect our commerce and manufactures---none to connect this widely extended empire, by judicious and valuable improvements---none to supervise the errors of your state judiciary---and yet should be invested with the authority of prohibiting this state from legislating upon one of the most delicate and important subjects of her own peculiar and domestic policy.

I thought if there was a question upon which Virginia would be fastidious in the preservation of her rights as a sovereign state---a point, upon which she would even deny to the general government, the permission to think---to speak---to suggest---it was upon every question connected with her slave population. And yet, sir, here, in this venerable hall, where the thunders of the Ancient Dominion have so often been hurled against the encroachments of federal power---here---acting in our capacity as a sovereign state---legislating upon a question which vitally affects the interests of this state,---a question of domestic policy purely,---the gentleman from Brunswick, a most approved and accepted state right politician, rises and citing an article from the federal constitution, gravely admonishes us, that we are prohibited by that instrument, from proceeding one step farther.

[Mr. Gholson rose and said, in referring to the federal constitution, he had also referred to the bill of rights of this state. He had cited the article from the amendments to the constitution, merely in corroboration of the same principle contained in the bill of rights.]

Mr. Faulkner.---Sir, it may be true that the gentleman from Brunswick did refer to the bill of rights---I have, however, no recollection of any such reference, nor indeed of the existence of a similar principle in the bill of rights. But I do recollect, sir, and recollect well, that he announced, and with no little triumph, the principle contained in the fifth article of the amendment to the federal constitution---that he had it read, with some theatrical effect, from your table, and that he boldly declared, according to his construction of the instrument, we were, by it, forbid from legislation upon this subject.

Sir, it has been my fortune to belong to that party which is supposed not to deny to the general government, any of its just and legitimate powers. I am proud, sir, in being regarded as an humble member of that party---and yet, before I would concede to the federal government the right of saying whether the state of Virginia should legislate, in all the freedom of sovereignty, upon the abolition of slavery, I would gladly see that bright and beautiful arch of our liberties crumbled into atoms, leaving no trace of its former existence behind.

Sir, the article from the amendments to the federal constitution, cited by the gentleman from Brunswick, can have no bearing upon any question submitted for our decision. It was never designed to operate

upon the domestic legislation of the states. It was intended solely to control the action of the federal government, and is a rule applicable to the administration of its federal concerns alone.

Sir, I am gratified to perceive that no gentleman has yet risen in this hall, the avowed advocate of slavery. The day has gone by, when such a voice could be listened to with patience, or even with forbearance. I even regret, sir, that we should find those amongst us, who enter the lists of discussion as its *apologists*, except alone upon the ground of uncontrollable necessity. And yet, who could have listened to the very eloquent remarks of the gentleman from Brunswick, without being forced to conclude, that he at least considered slavery, however not to be defended upon principle, yet as being divested of much of its enormity, as you approached it in practice.

Sir, if there be one, who concurs with that gentleman in the harmless character of this institution, let me request him to compare the condition of the slave-holding portion of this commonwealth---barren, desolate, and seared as it were by the avenging hand of heaven, with the descriptions which we have of this same country from those who first broke its virgin soil. To what is this change ascribable? Alone to the withering and blasting effects of slavery. If this does not satisfy him, let me request him to extend his travels to the northern states of this union---and beg him to contrast the happiness and contentment which prevails throughout that country---the busy and cheerful sound of industry---the rapid and swelling growth of their population---their means and institutions of education---their skill and proficiency in the useful arts---their enterprise, and public spirit---the monuments of their commercial and manufacturing industry; and, above all, their devoted attachment to the government from which they derive their protection, with the division, discontent, indolence and poverty of the southern country. To what, sir, is all this ascribable? To that vice in the organization of society, by which one-half of its inhabitants are arrayed in interest and feeling against the other half---to that unfortunate state of society in which freemen regard labor as disgraceful---and slaves shrink from it as a burden tyrannically imposed upon them---“*to that condition of things in which half a million of your population can feel no sympathy with the society in the prosperity of which they are forbidden to participate, and no attachment to a government at whose hands they receive nothing but injustice.*”

If this should not be sufficient, and the curious and incredulous inquirer should suggest that the contrast which has been adverted to, and which is so manifest, might be traced to a difference of climate or other causes distinct from slavery itself, permit me to refer him to the two states of Kentucky and Ohio. No difference of soil---no diversity of climate---no diversity in the original settlement of those two states can account for the remarkable disproportion in their national advancement. Separated by a river alone, they seem to have been purposely and providentially designed to exhibit in their future histories the difference which necessarily results from a country free from, and a country afflicted with, the curse of slavery. The same may be said of the two states of Missouri and Illinois.

Sir, if still he should hesitate in the apprehension of this important

political truth, that slavery is a curse, which no local advantages can counterbalance, let me invite him back again to his native state---and point to the *tragedy of Southampton*. There, sir, undisguised and clear to the vision of all men are the evils of slavery, *written in blood*--- There may be seen a *practical* commentary upon that institution, as it actually exists amongst us. The gentleman from Dinwiddie, has called it a "*petty affair*." It does not appear so to me. The more I reflect upon it, the more am I convinced that it is an important---a most momentous affair. Sixty-one white native inhabitants of Virginia---in a few hours---in the face of day---in a county as well protected as most of the counties east of the Blue Ridge, attacked---butchered---mangled, in a style of which the records of atrocity can scarcely furnish a parallel. This a petty affair? Sir, it may suit the *modesty* of those whose valor and energy suppressed that insurrection, to underrate its importance. But to the statesman, who knows that like causes will produce like effects, it must appear fraught with useful and important instruction. Let it not be said that these insurrections rarely occur; and that a similar one may not take place for half a century to come. To us, no more than to the murdered citizens of Southampton, is it given to know the day and the hour. It is sufficient that such an evil *may* occur; and that no vigilance of your police can prevent its recurrence.

Sir, the evils of slavery stand confessed before us. The only question, with a Virginia statesman, should be---is there any remedy and what shall that remedy be? The gentleman from Albemarle, has exhibited one scheme---the gentleman from Dinwiddie has presented another. Other and perhaps less exceptionable *projets* will be submitted as soon as it is understood, that we are disposed to apply some remedy. THE ONLY QUESTION now before us is---*shall we be PERMITTED to make the inquiry?* Shall we be allowed to prosecute our investigations in the select committee? Let us manifest the will---the means will assuredly follow. I never could despair, sir, in a cause so just as this. I never could despair of accomplishing that, which eight states---although, it is true, under more favorable circumstances---have already accomplished. I never could despair of doing that which the venerable fathers of our republic have told us, is not only practicable, but have admonished us must be done, if we mean to save the commonwealth from ruin. With a steady perseverance, failure is impossible. The sympathies and support of the world would gather around us. The smiles of Heaven and our honest feelings would sustain us.

In conclusion, Mr. Speaker, permit me again to repeat, that although I am decidedly in favor of some scheme of manumission that will ultimately relieve my country from the catastrophe which threatens it, let no gentleman suppose, from what has fallen from me, that I am in favor of any rash, violent or hasty legislation. I am for action---but it must be sober---circumspect---well-considered action. I am for no plan, which is not mild---gradual---prospective, in its operation. I shall advocate no scheme that does not respect the right of property, so far as it is entitled to be respected, with a just regard to the safety and resources of the state. I would approach the subject as one of great magnitude and delicacy---as one, whose varied and momentous conse-

quences demanded the calmest and most deliberate investigation. But still, sir, I would approach it---aye, delicate as it may be---difficult as it may be---encompassed as it may be, with difficulties and hazards, I would still approach it. The people demand it. Their security requires it. In the language of the wise and prophetic Jefferson, "you must approach it---you must bear it---YOU MUST ADOPT SOME PLAN OF EMANCIPATION, OR WORSE WILL FOLLOW."

